

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

FAHRIDA KURNIAWATI and VINI)
WULANDARI, as Co-Special Administrators)
In re Lion Air Flight JT 610 Crash)
of the Estate of HARVINO, deceased,)
)
Plaintiffs,)
v.)
)
THE BOEING COMPANY, a corporation,)
)
Defendant.)

Lead Case: I:18-cv-07686

**This filing applies to
Case No.: I:19-cv-00797**

**MOTION TO REMOVE FAHRIDA KURINIAWATI AS SPECIAL ADMINISTRATOR
AND REVOKE THE APPEARANCE OF THE LESSMEISTER FIRM AS ATTORNEY
AS CO-SPECIAL ADMINISTRATOR OF THE ESTATE**

NOW COMES Vini Wulandari, Co-Special Administrator of the Estate of Harvino, deceased, and for this Motion to Remove Fahrda Kurniawati as Co-Special Administrator of the Estate of Harvino, deceased, and to Revoke the Appearance of the Lessmeister Firm filed on behalf of Co-Special Administrator Kurniawati, in support thereof, states as follows:

1. This case has been brought in connection with the death of Harvino, the co-pilot/First Officer on the Lion Air plane crash on October 28, 2018.
2. The case was brought by two plaintiffs, Fahrda Kurniawati and Vini Wulandari, as co-special administrators of the Estate of Harvino, deceased. Ms. Kurniawati is the widow of Harvino. Ms. Wulandari is the sister of Harvino. A copy of the order appointing the co-special administrators is attached hereto as Exhibit A.
3. GKWW was engaged as attorneys for the Estate of Harvino on December 4, 2018. GKWW filed its lawsuit on December 28, 2018 in the Circuit Court of Cook County, Law Division. It was removed to Federal Court on February 7, 2019, with all of the related lawsuits vs. Boeing. GKWW's representation on this case has included conducting investigations

regarding the crash and potential defendants, preparing and filing a complaint against the Boeing Company, preparing discovery responses and other filings, extensive efforts to gather and prepare damages evidence, traveling to Indonesia to meet with clients on multiple occasions, and numerous other tasks and communications with Boeing. GKWW represented the two co-special administrators at two mediation sessions, July 22, 2019 and September 26, 2019, with retired Judge Donald O'Connell. On October 23, 2019, a third mediation session was agreed to by the parties, to take place on November 14, 2019. GKWW has also consulted with an expert to provide opinions regarding Harvino's lost wages. Such a report was provided to The Boeing Company and Judge O'Connell on November 1, 2019.

4. On October 29, 2019, Fahrida Kurniawati filed a motion to substitute attorneys (Dkt. 237). At the October 31, 2019 hearing, the motion was not granted, rather, an additional appearance was filed on behalf of the Lessmeister Firm. (See Dkt. 242). The Court stated, in reference to scheduling relating to the *forum non-conveniens* motion anticipated by Boeing,

... I just gave you reasons why a delay in this case may not be in the best interests of the plaintiffs—plaintiff or plaintiffs, whatever it ends up being. So I would hope you both could go to this [mediation] and work in the best interests of your clients.

(See transcript attached hereto as Exhibit B.)

5. GKWW told the Court that it was confident that it could work together with the Lessmeister firm for the good of the clients.

6. GKWW has consulted with Ms. Wulandari. Ms. Wulandari has requested that GKWW continue to represent her in this matter. See Affidavit attached hereto as Exhibit C).

7. On November 11, 2019, Fahrida Kurniawati brought a motion to remove Vini Wulandari as special administrator in the Circuit Court of Cook County. Said motion was denied. (See Order attached hereto as Exhibit D).

8. On November 11, 2019, counsel for Boeing sent an email to GKWW and the Lessmeister firm stating, “We assume that both firms will attend and have authority to completely resolve the Harvino claim. If that is not the case, please let us know asap. Kathleen and Judge O’Connell are copied above. Thanks in advance, we look forward to mediation.”

9. GKWW and the Lessmeister firm responded and provided names of attendees.

10. On November 14, 2019, the parties went forward with the third mediation session with Judge O’Connell between Harvino’s estate and Boeing. Both Ms. Wulandari and Boeing were prepared to participate in good faith in the mediation with Former Judge O’Connell. At said mediation, Ms. Kurniawati and her attorneys, the Lessmesiter firm, refused to participate in good faith in the following ways:

- a. Refused to meet with the attorneys for the Estate, GKWW, to discuss settlement;
- b. Announced that their presence was only to negotiate another date for mediation;
- c. Although it was time for Boeing to make a counterproposal, the Lessmeister firm refused to say that it would participate in consideration of the counterproposal;
- d. Refused to acknowledge the deadlines this Court imposed by the October 17, 2019 status hearing, or the impact said refusal to engage in negotiation could have regarding said deadlines; and
- e. Wasted the time of former Judge O’Connell, at least five Boeing attorneys and insurer representatives, and three of GKWW’s attorneys.

11. Fahrida Kurniawati’s actions today through the Lessmeister Firm, show an alarming breach of fiduciary duty toward Harvino’s Estate. The Lessmeister Firm, representing Fahrida Kurniawati, has failed to act in the best interests of the estate, and in the best interests of her children, who will receive 7/8 of the Estate’s recovery under Islamic/Indonesian law.

12. The Lessmesiter attorneys had no intention of participating in this mediation in good faith, as exhibited by their refusal to communicate, which is contrary to the Court's history of setting deadlines for the parties regarding discovery, the potential pending *forum non conveniens* motion, and attempts to settle the cases through mediation with former Judge O'Connell.

13. Vini Wulandari, brother of Harvino, aunt of Harvino's three children, and co-Administrator of the Estate, is not a beneficiary to this Estate and will not receive any distribution from the Estate.

14. Vini Wulandari has agreed to act as Special Administrator to ensure that Harvino and his family receive justice through this process. The acts of Fahrida Kurniawati through the Lessmeister Firm today and compromised her, Vini Wulandari's, ability to obtain justice for her brother and his children.

15. Fahrida Kurniawati, by her refusal to communicate and negotiate at the Third Mediation Session, prevented settlement from occurring, and has put the interests of the Lessmeister Firm ahead of the interests of Harvino's estate and his children. While that may have been acceptable if she was acting solely on her own behalf, it was not at all acceptable when acting, as she was, on behalf of the Estate of Harvino, as she was not acting in the best interests of her children by refusing to negotiate.

16. Fahrida Kurniawati unwillingness to participate in mediation in good faith, thereby failing to act in the best interests of Harvino's Estate, necessitates her removal as a co-special administrator.

WHEREFORE, Vini Wulandari, co-special administrator of the Estate of Harvino, deceased, requests that Fahrda Kurniawati be removed as Special Administrator of Harvino's Estate, and that the additional appearance of the Lessmesiter Firm be terminated, *instante*.

Dated: November 14, 2019

Respectfully submitted,
VINI WULANDARI, Co-Special
Administrator of the Estate of Harvino, deceased

/s/ Thomas G. Gardiner

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CERTIFICATE OF SERVICE

I hereby certify that on **November 14, 2019**, I electronically filed this **MOTION TO REMOVE FAHRIDA KURINIAWATI AS SPECIAL ADMINISTRATOR AND REVOKE THE APPEARANCE OF THE LESSMEISTER FIRM AS ATTORNEY FOR CO-SPECIAL ADMINISTRATOR OF THE ESTATE** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing upon all counsel of record via CM/ECF.

/s/ Shannon V. Condon

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